



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,042	03/20/2001	Kevin E. Crawford	END920000058US1(13761)	3522
7590	12/02/2005		EXAMINER PAULA, CESAR B	
Richard L. Catania, Esq. Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			ART UNIT 2178	PAPER NUMBER
DATE MAILED: 12/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,042

Applicant(s)

CRAWFORD ET AL.

Examiner

CESAR B. PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on 9/22/2005.

This action is made Final.

2. In the amendment, claim 16 has been cancelled. Claims 1-15, and 17 are pending in the case. Claims 1, 6, and 11 are independent claims.

Specification

3. Appropriate corrections have been made to the abstract of the disclosure. Therefore, its objection has been withdrawn.

Drawings

4. The drawings filed on 3/20/2001 have been approved by the examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-15, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

Art Unit: 2178

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 6, and 11 recite “renderable and non-renderable source code” in lines 4, 4, and 5 respectively. The Examiner was unable to find in the specification the description of the *renderable, and non-renderable* source code, since both the line feeds, carriage returns, etc, and the logic in the specification are non-renderable.

7. Claims 1-15, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what is meant by the *renderable, and non-renderable* source code, since both the line feeds, carriage returns, etc, and the logic in the specification are non-renderable.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant by the “renderable and non-renderable source code”, because by definition source code is meant to be behind the scenes--
non-renderable.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-4, 6-9, 11-14 and 17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer, in view of “Laura Lemay’s Web Workshop JavaScript”, Lemay et al, hereinafter Lemay, Sams.net, 1996, pp.219-229.

Regarding independent claim 1, Peiffer discloses *a client* browser for downloading of a web page(s)—*web content file* containing web page source data having certain layout-- from a *server*. The web page contains Javascript applets—*storing information in a scripted language format* (col.1, lines 53-65, col.5, lines 11-33, col.6, lines 16-33).

Moreover, in light of the 35 USC 112 1st, and 2nd parag. rejections, the Examiner believes that Peiffer teaches the compressing or filtering the size of web pages by filtering out renderable, and non-renderable data, such as whitespaces—*renderable--*, comments, hard returns, etc., from the web page thereby creating a smaller modified resource (col.2, lines 1-16, col.9, lines 12-68, fig.17-19). The filtering out of the non-renderable data does not alter the layout of the web page. Peiffer fails to explicitly teach *removing pre-identified subject matter in said scripted language*. However, Lemay teaches the use of Javascript functions and comments (using “//” marks) for rotating advertisement banners, which are annoying to some users (page 227, line 10-page 229,

Art Unit: 2178

line 9, list. 12.4). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Peiffer, and Lemay and remove the Javascript comments in the web page, because Peiffer teaches above the benefit of stripping off non-renderable or unneeded data from a web page, thereby, thereby reducing the amount of data that has to be transmitted, and speeding up the display of the web page.

Furthermore, Peiffer teaches the sending of the filtered web page—*downloading to the browser the reduced size file* without the filtered objects—from the server to the requesting web browser client for display (col.1, lines 53-65, col.2, lines 1-16, 33-56, col.9, lines 12-68, fig.17-19).

Regarding claim 2, which depends on claim 1, Peiffer teaches the compressing or filtering the size of web pages by filtering out data, such as whitespaces, comments, hard returns,--*comments and unused logic blocks* etc., from the web page thereby creating a smaller modified resource (col.2, lines 1-16, col.9, lines 12-68, fig.17-19).

Regarding claim 3, which depends on claim 2, Peiffer teaches the compressing or filtering the size of web pages by filtering out non-renderable data, such as whitespaces, comments, hard returns, etc., from the web page thereby creating a smaller modified resource (col.2, lines 1-16, 31-56, col.9, lines 12-68, fig.17-19). Peiffer fails to explicitly teach *the unused logic blocks are functions that are in the file but not used*. However, Lemay teaches the use of Javascript functions and comments (using “//” marks) for rotating advertisement banners, which are annoying to some users (page 227, line 10-page 229, line 9, list. 12.4). It would have been

obvious to one of ordinary skill in the art at the time of the invention to combine Peiffer, and Lemay, because Peiffer teaches above the benefit of stripping off unneeded data from a web page, thereby, thereby reducing the amount of data that has to be transmitted, and speeding up the display of the web page.

Regarding claim 4, which depends on claim 1, Peiffer teaches the compressing or filtering the size of web pages by filtering out data, such as whitespaces, comments, hard returns, —*consolidating into one logic blocks* of markup language representing the HTML lines—by deleting the non-renderable data—*shortening recurring identifiers* --, which are not needed, from the web page thereby creating a smaller modified resource (col.2, lines 1-16, col.9, lines 12-68, fig.17-19).

Claims 6-9 are directed towards a computer system for implementing the steps found in claims 1-4 respectively, and therefore are similarly rejected.

Claims 11-14 are directed towards a program storage device for storing the steps found in claims 1-4 respectively, and therefore are similarly rejected.

Regarding claim 17, which depends on claim 1, Peiffer teaches the compressing or filtering the size of web pages by filtering out non-renderable data, such as whitespaces, comments, hard returns, etc., from the web page thereby creating a smaller modified resource. The web page is then sent to the browser client (col.2, lines 1-16, 33-56, col.9, lines 12-68,

Art Unit: 2178

fig.17-19). In other words, the display of the web page takes place at the client, without any recompilation after the size has been reduced at the server.

12. Claims 5, 10, and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer, in view of Ross (Pat.# 6,163,780, 12/19/2000).

Regarding claim 5, which depends on claim 4, Peiffer teaches the compressing or filtering the size of web pages by filtering out non-renderable data, such as whitespaces, comments, hard returns, etc., from the web page thereby creating a smaller modified resource—*consolidating into one logic blocks* of markup language representing the lines-- by filtering out the non-renderable data, because it does not perform a vital function to the web browser client for fails to explicitly teach *the consolidating step includes the step of identifying duplicated functions and replacing the duplicated functions with a reference to a single function in a library*. However, Ross teaches reducing the size or condensing of JAVA code by replacing each method or function in the code with a reference to the location to that method within a sorted class list—*single function in a library* (col.2, lines 9-11, 29-41, 54-67, col.3, lines 8-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Peiffer, and Ross, because the benefit of compressing computer code so as to remove unnecessary code and data to shorten access, and execution times (col.1, lines 48-col.2, line 26). This in turn would lessen the load on the limited resources of the small device such as the one.

Claim 10 is directed towards a computer system for implementing the steps found in claim 5, and therefore is similarly rejected.

Claim 15 directed towards a program storage device for storing the steps found in claim 5, and therefore is similarly rejected.

Response to Arguments

13. Applicant's arguments with respect to claims 1-15, and 17 have been considered but are not persuasive. Regarding claims 1, 6, and 11, Applicants indicate that Peiffer, Lemay, and Ross do not disclose or suggest the removal of renderable, and non-renderable source code (page 8, parag.1). As indicated above, these newly added features are taught by Peiffer.

Moreover, the Applicants submit that Peiffer fails to teach or suggest changes to logic blocks (page 8, parag.2). The Examiner disagrees, because Peiffer teaches the compressing or filtering the size of web pages by filtering out data, such as whitespaces, comments, hard returns,--*comments and unused logic blocks* etc., from the web page thereby creating a smaller modified resource (col.2, lines 1-16, col.9, lines 12-68, fig.17-19). Codes such as the hard return ones give instructions to the application for laying out data in certain locations of the document. These codes—*logic blocks*- are removed from the HTML code.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the source

code, when modified by the present invention, does not require re-compiling” page 9, parag.1)
are not recited in the rejected claim(s). Although the claims are interpreted in light of the
specification, limitations from the specification are not read into the claims. See *In re Van*
Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 2-5, 7-10, 16-17 are dependent on independent claims 1, 6, and 11, which have
been rejected as indicated above. Therefore, these dependent claims are rejected at least based
upon the rejection of their respective independent claims.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than SIX MONTHS from the mailing
date of this final action.

Art Unit: 2178

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)


CESAR PAULA
PRIMARY EXAMINER

11/29/05